6. *Cases in which the reward to be forfeited is a grant of land, held subject to a condition of loyalty.*—Instructions on this subject also have already been issued, *vide* the Government of India, Revenue and Agriculture Department, Circular letter No. 254-C., dated the 22nd February 1918, addressed to all Local Governments (copy attached). The further practice and procedure laid down in paragraphs 3 and 4 of this letter will, with one important exception, apply generally to these cases also. The exception to be made arises out of the fact that it is hardly practicable to prescribe absolutely that a grant of land shall be automatically forfeited upon arrest or conviction. In cases where a land grant is affected, therefore, and the grant, under the terms on which it is held, is liable to forfeiture, the following shall be the procedure:—

(*a*) Action will be initiated by the civil authorities.

(*b*) It will be appropriate in certain cases, before penal action is taken, to give the grantee a severe warning and an opportunity to mend his ways. But the Local Government or Administration acting in consultation with the District Commander will be at liberty to resume without warning in such cases as they think merit the extreme penalty.

(*c*) The concurrence of the District Commander should be obtained in all cases before the grant is withdrawn.

(*d*) As in the case of pensions, and on the same terms and conditions, it will be open to the Local Government or administration, in consultation with the District Commander, to restore the grant in cases where it has been forfeited temporarily.

The Government of India desire in the case of land grants also, which are liable to forfeiture, that full use should be made of the powers conferred, now and at all times. It would be intolerable from every point of view, and particularly in the regard of loyal serving soldiers and loyal military pensioners that individuals who hold gifts of land, on the condition of loyal behaviour and active support of Government, should continue to enjoy those gifts when they have obviously ceased to honour the condition in the letter or in the spirit.

7. I am to request that, with the permission of His Excellency the Governor in Council etc. the widest publicity may be given to these instructions: the Government of India themselves will take steps to ensure that they are made known to serving soldiers, through the medium of the *Fauji Akhbar* and other channels.

8. Army Department letters Nos. A.—9340-1 (A. G.-8) and A.—18849-1 (A. G.-8), dated the 16th March 1922 and the 5th October 1923, respectively, are hereby cancelled.

I am,

SIR,

Your most obedient servant,

(Sd.) PHILIP MASON,

Under Secretary to the Government of India

DEVELOPMENT SECRETARIAT

No. D. 6156—*C. S.* 30-33-11, *dated* 29*th June* 1934.

The following draft additions and amendments to the Rules issued under Section 44 of the Mysore Co-operative Regulation VII of 1918 as amended by Regulation V of 1919 and VI of 1933, are hereby published for general information. All suggestions for additions, alterations or omissions by persons or bodies likely to be affected by these rules may be forwarded so as to reach the Secretary to Government, Development Department within two months from the date of the publication of this notification in the *Mysore Gazette*, after which they will be taken into consideration by Government.

Any suggestions received after the due date will not receive consideration.

Substitute the following for Rule 16.

"16 (i). The reference to the Registrar of any dispute under Section 43-A. of the Mysore Co-operative Societies' Regulation No. VII of 1918, shall be in writing and shall be

submitted in the form, if any, prescribed by the Registrar and duly stamped in accordance with the orders of Government, if any, issued in this behalf.

16. (ii). Where one of the parties to the dispute is a minor or a person of unsound mind, the Registrar on being satisfied of the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian for such minor or person of unsound mind, provided that the interest of such person is not adverse to that of the minor or the person of unsound mind. The Registrar may, for sufficient reasons, permit such person to retire or may remove him and appoint a new guardian in his place.

16. (iii) When the Registrar refers a dispute to arbitration, he may decide whether the arbitration shall be by one person or by more than one. If the arbitration is by one person, the Arbitrator shall be appointed by the Registrar. If the arbitration is by more than one person, the Board of Arbitrators shall consist of three persons of whom one shall be appointed by the Registrar at the time of referring the dispute to the arbitration, one by the Society and one by the person or persons by or against whom the dispute is made. The nomination referred to above shall be made by the parties concerned within fifteen days after notice by the Registrar, failing which, the Registrar may himself make the nominations. The person appointed by the Registrar to the Board of Arbitrators shall be the Chairman of the Board.

16. (iv). In proceedings under this rule, the evidence of the parties, and witnesses who attend shall be taken down *on oath* in full, in writing, in English if the Arbitrator or the Board of Arbitrators is so authorised by the Registrar, or in Kannada and shall be signed by the Registrar, Arbitrator or persons constituting the Board of Arbitrators and upon the evidence so recorded and upon consideration of any documentary evidence produced by either side, a decision, or award as the case may be, shall be given in accordance with justice, equity and good conscience and such decision shall be reduced to writing and signed by the Registrar, Arbitrator or persons constituting the Board of Arbitrators as the case may be. If any party duly summoned to attend fails to appear, the dispute may be heard *ex-parte*. *Ex-parte* decisions or awards may, on sufficient and satisfactory cause for non-attendance being shown, be set aside by the Registrar and the dispute ordered to be disposed of on merits. But applications for setting aside the *ex-parte* decisions should be made within one month from the date of decision or award or from the date of knowledge of such decision or award having been passed. Applications for setting aside *ex-parte* decisions or awards should be disposed of on hearing or on giving reasonable opportunity for being heard to both the parties to the dispute.

16. (v). When any dispute referred to arbitration under (iii) above is not decided by the Arbitrator or Board of Arbitrators within two months or such further period as the Registrar may allow, the Registrar may withdraw the reference and decide it himself or transfer it for disposal to any person empowered by Government to dispose of such references or refer it for disposal to another Arbitrator or Board of Arbitrators.

16. (vi) (*a*). In disputes settled by a Board of Arbitrators, the awards shall be in accordance with the decisions of the majority of the members of the Board where it is not unanimous.

(*b*) When an award has been made, the person or persons who made it should cause it to be filed in the Office of the Registrar together with any depositions and documents which have been taken and proved before them and notice of the filing shall be given to the parties.

16. (vii). Where the decision or award involves the payment of money or delivery of grain and such payment is not made within one week or such further time as may be allowed by the Registrar, the Registrar shall send a copy of the decision or award to the Deputy Commissioner for its enforcement who shall thereupon enforce it as if it were a demand for arrears of land revenue. Provided that the Registrar may, on the application of the decree-holder, send such decree for execution to the Civil Court having jurisdiction over the subject matter of the decree or award, instead of sending it to the Deputy Commissioner as aforesaid; whereupon, such court shall execute the decision or award as if it were a decree passed by itself. Where the decision of award involves the payment of money and the person or persons against whom the decision or award is made are employed in the permanent or temporary service of the Government of His Highness the Maharaja of Mysore, or of any local authority within the Mysore State, the Registrar may send the decision or award to the Head of the Office or Department or local authority in which the person or persons are employed for enforcement and such officer shall execute it as if it were a decree of a Civil Court.

16. (viii) In proceedings under this Rule before the Registrar, the Arbitrator or Body of Arbitrators or other person deciding the dispute, no party to the dispute shall be represented by a Legal Practitioner.

16. (ix) (a) The appeal contemplated in Sub-Section (5) of Section 43 A. of the Regulation shall be preferred in the form of a Memorandum signed by the appellant and presented to the Registrar or Government as the case may be. The Memorandum shall also be accompanied by a copy of the decision appealed from or of the award and shall be stamped according to the scale fixed by Government for the decision of disputes under the said Section 43 A.

(b) The Memorandum shall set forth concisely and under distinct heads the grounds of objection to the decision appealed from without any argument or narrative and such grounds shall be numbered consecutively.

(c) When an appeal is filed, under the provisions of Section 43-A, Sub-section (5), the Registrar or Government may order the stay of execution of the decision appealed against on such terms as to giving security or otherwise, as he or they may deem fit until the appeal is disposed of."

Add the following Rule as Rule 29 :—

"29. The person authorised by the Registrar to hold an enquiry under Section 35 (1) shall be an officer not below the rank of a Sub-Assistant Registrar of Co-operative Societies or such other person as the Registrar may appoint in writing to hold this enquiry."

Add the following as Rule 30 :—

"30(1). Every summons issued under Regulation shall be in writing, and shall be authenticated by the signature and the seal, if any, of the officer, by whom it is issued.

Mode of Service of Summons.

It shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document, or for both purposes; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

2. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

3. The service of summons under the Regulation on any person may be effected in any of the following ways :—

(a) by giving or tendering it to such person; or

(b) if such person is not found, by leaving it at his last-known place of abode or business or by giving or tendering it to some adult member of his family; or

(c) if the address of such person is known to the Registrar or other authorised person, by sending it to him by post registered; or

(d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last-known place of abode or business.

4. *Person served to sign acknowledgment* :—Where the serving officer delivers or or tenders a copy of the summons to the defendant personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered, to an acknowledgment of service endorsed on the original summons.

5. *Endorsement of time and manner of service* :—The serving officer shall in all cases in which the summons had been served under sub-rule (4), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.

6. *Service on civil public officer or on servant of railway company or local authority* :—Where the defendant or the person summoned is a public officer or is the servant of a railway company or local authority, the officer issuing the summons may, if it appears that the summons may be most conveniently so served, send it by registered post prepaid for acknowledgment for service on the defendant or the person summoned to the head of the office in which he is employed together with a copy to be retained by the defendant for such other person."

By Order,

M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

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